

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dahmen *et al.*

Appl. No.: 10/565,883

§ 371 Date: May 24, 2006

For: **Fungicide Ternary Active
Ingredient Combinations**

Confirmation No.: 8057

Art Unit: 1612

Examiner: Nannette Holloman

Atty. Docket: 2400.0180000/RWE/L-Z

**First Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(b)**

Mail Stop AF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on October 11, 2006 in connection with the above-captioned application.

Copies of documents **NPL5** to **NPL33** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patent and patent application publications, Document **US2-US33**, cited on the attached IDS Forms, PTO/SB/08A, are not submitted. In addition, a copy of document **NPL34** is not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or

portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Application No. 12/481,947 inventors Dutzmann, S., *et al.*, filed on June 10, 2009; not yet published; listed as document **NPL34**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. The required fee is provided through online credit card payment authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).; in addition:

I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to

any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink that reads "Lei Zhou". The signature is written in a cursive, flowing style.

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Date: November 18, 2009

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